

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 45

December 1, 2008

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON NOVEMBER 4, 2008

SUBJECT: DEPARTMENT PREVENTABLE TRAFFIC COLLISION POLICY - REVISED

PURPOSE: Every employee driving a City vehicle is responsible for the care and proper operation of the vehicle. Gross negligence, a reckless disregard for the safety of persons and property, driving under the influence of alcohol or a drug, or driving that results in a criminal filing against the employee shall be considered misconduct. However, other preventable traffic accidents that are the result of ordinary inattention or intentional tactical collisions should not be considered misconduct. This policy generally categorizes preventable traffic accidents resulting from ordinary inattention to be a matter of performance quality to be remediated, not misconduct subject to a Personnel Complaint.

A point system and a review by management provide accountability for employee traffic accidents. Remediation through training provides performance improvement guidance while at the same time offers the employee an opportunity to reduce accrued points. Predictable and reasonable consequences for performance errors motivate employees to perform well. An appeal process provides employees with staff officer review of judgments employees believe to be errant.

PROCEDURE: These procedures apply to all traffic accidents occurring on and after 0001 Hours, November 5, 2008. Accidents occurring before November 5, 2008, shall not be counted and shall be disposed of according to policies in place when they occurred.

I. POINT SYSTEM CRITERIA. The criteria for the point system lie in three levels of preventable traffic accidents:

A. Level One Accident.

- * Maneuvering speed 10 miles per hour (MPH) or less prior to braking; and,
- * No disregard for safety; and,
- * No visible injuries.

B. Level Two Accident.

- * Operating speed above 10 MPH prior to any braking, in essential compliance with Vehicle Code; and,
- * No disregard for safety; and,

- * No life threatening injury; and,
- * City vehicle is repairable.

C. Level Three Accident.

- * City vehicle is not repairable; or,
- * Life threatening injury occurs; or,
- * Employee was not in essential compliance with Vehicle Code.

II. POINT COUNT CRITERIA AND GUIDANCE AND REMEDIATION THRESHOLDS. A preventable traffic accident

that meets the criteria of any of the three levels shall be assigned a number of points according to the schedule below. Points accrue for each accident on the date of the accident, and remain countable for 36 months from the date of the accident. After 36 months, the point is no longer countable toward the total.

Level One Accident: 1 point
Level Two Accident: 2 points
Level Three Accident: 4 points

- A.** When three points accrue in 24 months, the employee shall be directed to a formal standardized driver improvement training course conducted by Training Division. This training does not reduce the point count.
- B.** When an employee accrues five points in 36 months, the employee shall not be permitted to drive a City vehicle for six months.

When an employee accrues eight or more points or four preventable accidents within 36 months, the employee shall be administratively transferred after the final adjudication of the latest preventable collision appeal to another geographic division and shall not be permitted to drive a City vehicle or return to the division left for one year. The transfer location will be determined by the Department, and the employee will have no choice in the decision. The Chief of Police shall retain final authority to approve or disapprove administrative transfers pursuant to this policy.

Note: The "no driving" restriction shall not apply to an employee who is promoted to another Civil Service rank during the "no driving" period.

III. POINT SYSTEM EXCEPTIONS. A preventable traffic accident resulting from the employee's gross negligence, consumption of alcohol or drugs, reckless disregard for safety, or which results in a criminal filing against the employee, shall be handled as misconduct through a Personnel Complaint, not through the point-count remediation system.

Actions of the employee incidental to the accident are not covered by the Point Count policy. Examples include, but are not limited to, failing to wear a seat belt, shooting from a moving vehicle, failing to properly secure a prisoner in the vehicle, or a pursuit policy violation. In other words, this policy only covers inattentive driving, not other actions committed while driving.

If an employee exceeds eight points or four preventable accidents within 36 months, and the employee's commanding officer (C/O) believes that the employee cannot or will not improve their driving or that the employee is a driving hazard, then the C/O shall adjudicate all future preventable traffic accidents involving the employee as misconduct using a Personnel Complaint, Form 01.28.00.

IV. POINT COUNT REDUCTION. If an employee attends formal driver improvement training of at least four hours in length conducted by a bona fide traffic school on a voluntary, off-duty basis without compensation, the Department will remove one point from the employee's point count. The voluntary training is acquired by the employee for the employee's own benefit. This may be done no more than once in any 24-month period.

Upon receipt of a Traffic Collision Report, CHP Form 555, the involved employee's C/O shall make a determination of preventable or non-preventable. The C/O may use a peer assessment of the employee-involved traffic accident to assist in rendering a decision; however, the peer assessment is optional. The employee's C/O will forward the decision (preventable/non-preventable and threshold level) directly to Traffic Coordination Section (TCS), not to the Bureau or next higher level in the chain of command.

The employee's C/O will count the points as listed on the TEAMS report and determine whether any of the remediation thresholds have been met. If one has been met, the C/O shall immediately take the actions required to fulfill the remediation and create a TEAMS-II Action Item to document the actions taken. A copy of the documents (e.g., request for Administrative Transfer, Intradepartmental Correspondence ordering no driving, etc.) are to be scanned and attached to the TEAMS-II Action Item if a scanner is available. The original paper documents are to be sent to TCS.

The employee's C/O shall meet with the employee, explain the rationale for the disposition, and provide a copy to the employee of all documents used to determine the administrative disposition of the accident, including the written determination of findings. The employee may have an employee representative present during the meeting and may provide a response orally, in writing, or both.

Once the involved employee has been served, the C/O shall ensure that the Traffic Collision Report and all related documents are forwarded to TCS, Emergency Operations Division (EOD). Traffic Coordination Section personnel will update the points on the involved employee's TEAMS Report, and retain files of all Traffic Collision Reports.

V. TRAFFIC DIVISION RESPONSIBILITIES: The Collision Investigation Follow-Up Unit of the traffic division investigating an employee-involved traffic accident shall:

- * Forward one copy of the employee-involved Traffic Collision Report, which has been audited and approved for distribution to TCS, EOD, within five working days of the incident;
- * Forward the original employee-involved Traffic Collision Report, which has been audited and approved for distribution, to the involved employee's C/O within five working days of the incident; and,
- * Distribute employee-involved Traffic Collision Reports as outlined in Department Traffic Manual Section 4/211.

VI. EMPLOYEE'S COMMANDING OFFICER'S RESPONSIBILITIES. An employee's commanding officer shall:

- * Review the Traffic Collision Report and determine the disposition: either Preventable or Non-Preventable;
- * Count the points as listed on the TEAMS Report and determine if remediation thresholds have been met. If so, immediately take actions necessary to fulfill the remediation. Ensure that remediation is documented as a TEAMS-II Action Item;
- * Meet with the involved employee, explain the disposition of the traffic accident, and provide a copy of all documents used to determine the administrative disposition of the accident to the employee. Unless reversed through preventable traffic collision (PTC) appeal, the C/O's disposition is final; and,
- * Cause the Traffic Collision Report and all related documents to be forwarded to TCS within 30 calendar days of receipt.

VII. TRAFFIC COORDINATION SECTION, EMERGENCY OPERATIONS DIVISION RESPONSIBILITIES. Traffic Coordination Section shall be responsible for the following:

- * Upon receipt of a Traffic Collision Report and related documents, update the points on the involved employee's TEAMS Report;
- * Where the Department Traffic Coordinator has, as a result of a PTC appeal, changed the point value or the determination of "preventable" of a traffic collision, update the employee's TEAMS Report;
- * Maintain the Department's employee-involved traffic accident database and retain files of all Traffic Collision Reports;
- * Compile a monthly report on all overdue traffic accident adjudications and provide it to all C/Os of involved employees; and,
- * Compile a monthly report of employee-involved traffic accidents and provide it to all bureau commanding officers.

VIII. DEPARTMENT TRAFFIC COORDINATOR RESPONSIBILITY. The Department Traffic Coordinator shall act as final authority on PTC appeals and respond in writing within 20 calendar days to each PTC appeal, the original response going to the appellant and a copy to the original adjudicating C/O.

IX. **COMMANDING OFFICER, TRAINING DIVISION, RESPONSIBILITY.** The Commanding Officer, Training Division, shall ensure documentation of the following information is entered into the Training Management System (TMS).

- * Training which is directed as the result of an employee-involved preventable traffic accident, the corresponding Division of Records (DR) number, and the reason for the training (i.e., three points accrued within 24 months).

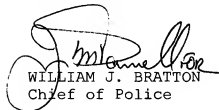
X. **APPEAL OF PREVENTABLE TRAFFIC COLLISION FINDING OR INCIDENT POINT VALUE.** Whether an employee does or does not respond orally or in writing to the C/O's determination, if the employee wishes to appeal the C/O's findings the employee shall have only one appeal per incident as follows: Within 20 calendar days of receiving the C/O's findings, the employee shall submit a written appeal on an Employee's Report, Form 15.07.00, to the Department Traffic Coordinator who shall be the Reviewing Officer. The appeal shall include a copy of the Traffic Collision Report, the C/O's findings, a statement of the disposition the employee wants, and the reasons the employee believes the requested disposition should ensue. The employee may submit other documents or evidence relevant to the appeal with the Employee's Report. The appeal shall only concern the point-value assigned to the collision, the finding of "preventable," or both.

Previous preventable traffic collisions which were not appealed in a timely manner or which have already been otherwise adjudicated shall not be the subject of this preventable traffic collision appeal. Employees shall be entitled to an employee representative to assist in formulating a written appeal in accordance with the provisions of the applicable Memorandum of Understanding.

The Reviewing Officer shall examine the employee's documentation and render a written decision, including a rationale, within 20 calendar days. A copy of the written decision and rationale shall go to the employee and to the employee's C/O. The decision of the Reviewing Officer is final and binding. If no written appeal as described in this policy is filed by the employee within 20 calendar days of receiving the C/O's findings, the matter is closed and final.

AMENDMENTS: This amends Department Manual Sections 2/296.42, 2/445.20, 3/207.60, 3/207.70, and 3/207.75.

AUDIT RESPONSIBILITY: The Commanding Officer, Emergency Operations Division, shall monitor compliance with this Order in accordance with Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"